



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/765,092 | 01/17/2001 | Alberto Bellotti | 1033-2 | 6127 |

23869 7590 06/16/2004

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

| |
|----------|
| EXAMINER |
|----------|

BAROT, BHARAT

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2155

DATE MAILED: 06/16/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,092

Applicant(s)

BELLOTTI ET AL.

Examiner

Bharat N Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "said communication server, said software, and said mode" and claim 14 recites the limitation "said software". There are insufficient antecedent basis for these limitations in the claims 1 and 14.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-20 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pepe et al (U.S. Patent No. 5,742,905). Pepe's patent meets all the limitations for claims 1-20 recited in the claimed invention.

7. As to claim 1, Pepe et al disclose a computer communication system for communicating among users on an electronic communication network (abstract; and figures 1-3) comprising: a plurality of user accessible stations connected to the network (figures 1 and 3; column 5 lines 28-53; and column 6 lines 52-59); application software configured to effect transfer of communication between the stations and a communication server (figure 4; and column 7 line 16 to column 8 line 53); the software including a graphic user interface for indicating communication transfer to at least one the station, the application software further permitting selective communication modes, the modes being user selectable through the graphic user interface (figures 1-2, 33, and 35; column 5 line 54 to column 6 line 51; column 6 line 60 to column 7 line 15; and column 34 line 9 to column 36 line 9).

Art Unit: 2155

8. As to claims 2 and 4, Pepe et al disclose that the communication modes include text, audio, video (image), voice and combinations thereof, and each station supports two-way text, audio, video (image) and voice communication and combinations thereof (figures 33 and 35; and column 34 line 9 to column 36 line 9).

9. As to claim 3, Pepe et al disclose that the application software includes text-to speech conversion capabilities (figure 24; column 10 lines 11-16; column 29 lines 56-64; and column 30 lines 28-56).

10. As to claims 5-6, Pepe et al disclose that the application software is configured to identify users accessing the stations and permit specific user access at each of the plurality of stations (figures 3-4; and column 6 line 52 to column 8 line 30).

11. As to claim 7, Pepe et al disclose a communication server connected to the plurality of stations (figure 3; and column 6 lines 52-59).

12. As to claims 8-11, Pepe et al disclose that the application software includes server-based software configured to effect communication between the plurality of stations and the communication server, the server-based software is operative to effect communication among the plurality of stations; and the application software includes station-based software configured to effect

Art Unit: 2155

communication directly between the plurality of stations, the station-based software is user configurable (figures 4-6; and column 7 line 16 to column 14 line 21).

13. As to claims 12-13, Pepe et al disclose that the station-based software includes message indicating capability for providing an indication at the station of receipt of the communication, and the message indicating capability includes graphic and audio indications and combinations thereof (figures 33 and 35; and column 34 line 9 to column 36 line 9).

14. As to claims 14-16, they are also rejected for the same reasons set forth to rejecting claims 1-4 above, since claims 14-16 are merely a method of operation for the apparatus defined in the claims 1-4.

As to claims 17-20, Pepe et al teach that the transferring step includes: entering the communication data at one of the plurality of stations; and selecting the one or more the users of the network to whom communication is desired and also selecting one or more the stations to which communication is desired (figures 1-3; and column 5 line 27 to column 7 line 15).

Additional References

15. The examiner as of general interest cites the following references.

- a. Segur, U.S. Patent No. 6,212,550.
- b. Shaughnessy et al, U.S. Patent No. 5,928,325.

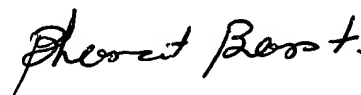
Art Unit: 2155

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.



**BHARAT BAROT
PRIMARY EXAMINER**

Patent Examiner Bharat Barot

Art Unit 2155

June 02, 2004